**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**WRIT PETITION NO. 157 OF 2003 (MS)**

Chandra Deep .....Petitioner.

**Versus**

Nagar Nigam, Dehradun and another.

.....Respondents.

Mr. B.P. Nautiyal, Advocate for petitioner.
Mr. Sharad Sharma, Senior Advocate, assisted by Ms. Indu Sharma, Advocate for respondent no. 2.

**15th July, 2009**

**Hon'ble Sudhanshu Dhulia, J.**

The petitioner has challenged the order dated 28th August, 2002 passed by the respondent no. 1 / Executive Officer, Nagar Nigam, Dehradun.

The grievance of the petitioner is that the respondent no. 2 has got no right over the property and the Will, on the basis of which his name has been mutated is forged and fabricated document and he was not the testator of the property, therefore, there was no occasion for including the name of the respondent no. 2 in the municipal records.

Be that as it may, against the order, which has been challenged in this writ petition, the petitioner has an alternative remedy by way of an Appeal under Section 472 of the Uttar Pradesh Municipal Corporations Adhiniyam, 1959 before the Judge Small Causes Court.

Since there is an alternative remedy available to the petitioner, the writ petition is dismissed on the ground of alternative remedy. Interim order if any in favour of the petitioner is also vacated. The petitioner is at liberty to

avail the alternative remedy. It is also provided that the concerned authority (in appeal) shall also consider the pendency of the writ petition while considering the matter of delay.

(Sudhanshu Dhulia, J.)
15.7.2009

Rathour